

****E-filed 12/14/11****

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN GARTH, *et al.*,

No. C 11-00748 RS

Plaintiffs,

v.

**ORDER DENYING MOTIONS TO
SHOW CAUSE, DENYING MOTION
TO SET ASIDE JUDGMENT, AND
DISMISSING ACTION**

JOHN TENNANT MEMORIAL-
EPISCOPAL SENIOR COMMUNITIES
(JTM-ESC); VINCENT CHEUNG; THE
OAK CENTER TOWERS OFFICE STAFF;
GUARDSMARK SECURITY *and* STAFF;
and DEFENDANT DOES 1-20,

Defendants.

On December 1, 2011, plaintiff John Garth, appearing *pro se*, filed three separate motions. Two of those are styled as motions to show cause why defendants should not be “held accountable.” The third motion appears to request that the Court set aside a judgment in an unlawful detainer case before a California Superior Court. These three most recent filings contain substantially the same content as the two complaints that were previously dismissed in this action. They are also almost identical to plaintiff’s prior motion to hold defendants in criminal contempt, which was denied with prejudice.

At the present time, there is no operative complaint in this action since Garth’s prior complaint was dismissed in its entirety on November 21, 2011. (Dkt. No. 86). Although Garth was granted leave to amend his Fourth Amendment and state law claims, his other claims were

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1 dismissed with prejudice, and he did not filed an amended complaint by December 8, 2011, the
2 deadline for amendment specified in the order of dismissal. Notwithstanding plaintiff's *pro se*
3 status, none of the most recent motions can be construed as an amended complaint that is responsive
4 to the prior order. Nor do they provide any discernible factual or legal basis for proceeding. The
5 factual allegations in the recent filings remain just as disorganized, conclusory, and opaque as they
6 were in Garth's prior complaint. Without a viable complaint, plaintiff may not even continue with
7 this litigation, let alone persuade the Court to hold defendants in contempt or to put aside an
8 otherwise valid state court judgment.

9 For these reasons, Garth's motions are denied with prejudice and the case is dismissed for
10 failure to prosecute. Judgment is hereby entered in favor of defendants, and the Clerk of the Court
11 is directed to close the case.

12 IT IS SO ORDERED.

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14 Dated: 12/13/11



15 RICHARD SEEBORG
16 UNITED STATES DISTRICT JUDGE
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